

Ford, Frank (CAO)

From: Lane, Kami (CAO)
Sent: Wednesday, April 9, 2025 9:57 AM
To: Ford, Frank (CAO); Buckley, Karley
Cc: Fraser, Rachel (CAO); Bamberger, David; Miriam Nemeth; D Dangaran; Hoffner, Kaylee; Canoni, John; Reed, Taylor; Burnett, Greg (CAO); Jones, Veronica (CAO); Butt, James (CAO)
Subject: RE: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County
Attachments: Savage - Obj 2nd Sub-FINAL.pdf

Good morning,

Please see the attached Objections to Plaintiff's Second Subpoena for Documents.

Thank you,



Kami Lane
Paralegal, Defensive Litigation Division
E: kami.lane@harriscountytx.gov
P: (713) 274-5242
C: (832) 317-3126

Office of Christian D. Menefee
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
cao.harriscountytx.gov



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From: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Sent: Wednesday, April 2, 2025 4:51 PM
To: Buckley, Karley <Karley.Buckley@us.dlapiper.com>
Cc: Lane, Kami (CAO) <Kami.Lane@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>; Bamberger, David <david.bamberger@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; D Dangaran <d@rightsbehindbars.org>; Hoffner, Kaylee <Kaylee.Hoffner@us.dlapiper.com>; Canoni, John

<John.Canoni@us.dlapiper.com>

Subject: RE: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

Counsel,

I cannot accept service of this subpoena on behalf of Harris County. It must be properly served per the rules and statute.

In addition, the plain language of Rule 45(a)(4) requires service on “each party”. It does not limit the service requirement to parties that have appeared. E.g., *Dish Network, LLC v. One Box TV, LLC*, 2019 WL 13262545 *2 (M. D. Fla 2019). If you have binding authority to the contrary, please advise.

I have conferred once already and Plaintiff failed to provide a substantive response other than to finally serve defense counsel with a subpoena.

In addition, I provided written objections for the various items in the subpoena. Despite this, Plaintiff chose to issue a new subpoena making the exact same objectionable requests. Thus, the same objections apply. In other words, Plaintiff refused to confer.

If Plaintiff now wishes to confer, please provide a written response that explains how *Carswell* does not apply. And, assuming *arguendo* that explanation is sufficient, explain how Plaintiff will limit the subpoena to address the other issues set forth in the objections and the Motion to Quash.

Thank you.



Frank J. Ford
Attorney, Defensive Litigation Division
E: Frank.Ford@harriscountytx.gov
C: (832) 570 – 7582

Office of Christian D. Menefee
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
cao.harriscountytx.gov



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From: Buckley, Karley <Karley.Buckley@us.dlapiper.com>
Sent: Monday, March 31, 2025 10:32 PM
To: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Cc: Lane, Kami (CAO) <Kami.Lane@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>; Bamberger, David <david.bamberger@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; D Dangaran <d@rightsbehindbars.org>; Hoffner, Kaylee <Kaylee.Hoffner@us.dlapiper.com>; Canoni, John <John.Canoni@us.dlapiper.com>
Subject: RE: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

Counsel,

We are in receipt of your objections to the subpoena served on March 17, which as discussed in our prior email, we withdrew. Attached for service please find a subpoena for documents to Harris County. Defense counsel of record were served with notice of this subpoena this evening.

Please let us know when you are available to meet and confer on these requests. We are hopeful that we can come to an agreement without motions practice.

Many thanks,
Karley

Karley T. Buckley
Associate

T +1 713 425 8421
F +1 713 300 6021
M +1 760 315 1509
karley.buckley@us.dlapiper.com

DLA Piper LLP (US)
845 Texas Avenue
Suite 3800
Houston, TX 77002-2946



dlapiper.com

From: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Sent: Monday, March 31, 2025 1:09 PM
To: Buckley, Karley <Karley.Buckley@us.dlapiper.com>
Cc: Lane, Kami (CAO) <Kami.Lane@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>; Bamberger, David <david.bamberger@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; D Dangaran <d@rightsbehindbars.org>; Hoffner, Kaylee <Kaylee.Hoffner@us.dlapiper.com>; Canoni, John <John.Canoni@us.dlapiper.com>
Subject: RE: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

⚠ EXTERNAL MESSAGE

Counsel,

Today is my deadline to serve my objections and file my Motion to Quash based on the date of service of 3/17/25. Your response is inadequate. My email provided sufficient information for you to confer and was my attempt to confer. Ignoring the obvious substantive issues with the subpoena and offering to “confer” at a later date is effectively failing to confer.

Thank you.



Frank J. Ford
Attorney, Defensive Litigation Division
E: Frank.Ford@harriscountytx.gov
C: (832) 570 – 7582

Office of Christian D. Menefee
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
cao.harriscountytx.gov



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From: Buckley, Karley <Karley.Buckley@us.dlapiper.com>
Sent: Monday, March 31, 2025 9:46 AM
To: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Cc: Lane, Kami (CAO) <Kami.Lane@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>; Bamberger, David <david.bamberger@us.dlapiper.com>; Miriam Nemeth <miriam@rightsbehindbars.org>; D Dangaran <d@rightsbehindbars.org>; Hoffner, Kaylee <Kaylee.Hoffner@us.dlapiper.com>; Canoni, John <John.Canoni@us.dlapiper.com>
Subject: RE: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

Counsel,

Thank you for your email. We will be reissuing the subpoena later today as drafted. Of course, if there are specific requests that you would like to discuss, we can be available to meet and confer this week.

Many thanks,
Karley

Karley T. Buckley
Associate

T +1 713 425 8421
F +1 713 300 6021
M +1 760 315 1509
karley.buckley@us.dlapiper.com

DLA Piper LLP (US)
845 Texas Avenue
Suite 3800
Houston, TX 77002-2946

From: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Sent: Thursday, March 27, 2025 4:43 PM
To: Buckley, Karley <Karley.Buckley@us.dlapiper.com>
Cc: Lane, Kami (CAO) <Kami.Lane@harriscountytx.gov>; Fraser, Rachel (CAO) <Rachel.Fraser@harriscountytx.gov>
Subject: FW: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

⚠ EXTERNAL MESSAGE

Good Afternoon Counsel,

I am conferring with you as the attorney-in-charge. I received the attached subpoena.

It appears Plaintiff did not serve the subpoena on any of the Defendants before attempting to serve Harris County as required by Rule 45(a)(4). Further, it is my understanding Plaintiff has not served any of the Defendants with this subpoena as of the time of this email.

Thus, it appears Plaintiff was not and is not authorized to serve Harris County with this subpoena because of the lack of notice to the Defendants. Consequently, the attempted service on Harris County is defective.

If Plaintiff complied with Rule 45(a)(4), please provide the proof of service for all Defendants.

The many other issues with the subpoena include:

The subpoena exceeds the scope of discovery in the Savage case. E.g., claims barred by limitations, information not relevant to a claim or defense, etc.

The subpoena is in many ways duplicative of Rule 26 Disclosures and other discovery Plaintiff already received.

The subpoena seeks private, personal health, and/or personal identifying information for individuals that have not authorized the release of information and/or are not parties to the case and have no notice of this subpoena.

The subpoena seeks information subject to a confidentiality agreement and protective order in another case.

Further, there is a pending Motion to Stay Discovery based on qualified immunity which prohibits discovery given *Carswell v. Camp*, 54 F.4th 307 (5th Cir. 2022).

Plaintiff should withdraw the attached subpoena and, after re-drafting the subpoena limiting it to information discoverable under Rule 26, serve the subpoena properly under Rule 45 if/when discovery is allowed under *Carswell*.

Thank you.



Frank J. Ford
Attorney, Defensive Litigation Division
E: Frank.Ford@harriscountytx.gov
C: (832) 570 – 7582

Office of Christian D. Menefee
Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
cao.harriscountytx.gov



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From: Hoffner, Kaylee <Kaylee.Hoffner@us.dlapiper.com>
Sent: Wednesday, March 12, 2025 5:00 PM
To: Ford, Frank (CAO) <Frank.Ford@harriscountytx.gov>
Cc: D Dangaran <d@rightsbehindbars.org>; Miriam Nemeth <miriam@rightsbehindbars.org>; Bamberger, David <david.bamberger@us.dlapiper.com>; Canoni, John <John.Canoni@us.dlapiper.com>; Buckley, Karley <Karley.Buckley@us.dlapiper.com>; Reed, Taylor <Taylor.Reed@us.dlapiper.com>; Chambers, Rose <Rose.Chambers@us.dlapiper.com>
Subject: Service 4:24-cv-666; Savage v Harris County - Subpoena to Harris County

Counsel,
Attached please find Plaintiff's Document Subpoena to Harris County. Please confirm that you will accept service as the counsel of record, otherwise we will have this served via process server.

Thanks,
Kaylee

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